



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Development Review Committee

Through: Townsley Schwab, Acting Director of Environmental and Planning Resources
Mitch Harvey, AICP, Comprehensive Planning Manager *MH*

From: Kathy Grasser, Comprehensive Planner *KG*

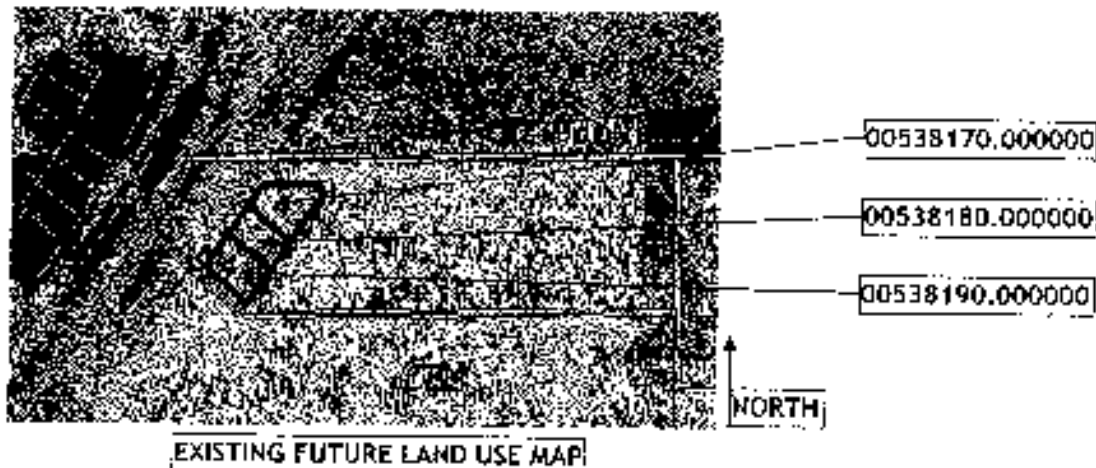
Date: October 1, 2008

Subject: *Request for an Amendment to the Future Land Use Map for Sievers Marine, Inc., Key Largo, Mile Marker 106, Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000*

Meeting: October 21, 2008

I. REQUEST

A request by the W. F. McCain & Associates, Inc for Siever's Marine, Inc., to amend the Future Land Use Map (FLUM) designation from Residential Medium (RM) to Mixed Use / Commercial (MC).



EXISTING FUTURE LAND USE MAP

- A. Address: 21 Garden Cove Drive, Key Largo, Mile Marker 106
- B. Legal Description: Lots 12 and 13, Block 1, Ocean Isle Estates, Monroe County, Florida
- C. Real Estate Number(s): 00538170.000000, 00538180.000000 and 00538190.000000
- D. Applicant/Petitioner: William McCain, WF McCain & Associates
- E. Property Owner: Siever's Marine, Inc.

1 **NOTE:**

2 Staff cannot comment on any proposed redevelopment plans as part of this or any map
3 amendment application.
4

5 **II PROCESS**

6
7 Amendments may be proposed by the Board of County Commissioners (BOCC), the
8 Planning Commission, the Director of Planning, or the owner or other person having a
9 contractual interest in property to be affected by a proposed amendment. The Director of
10 Planning shall review and process map amendment applications as they are received and pass
11 them onto the Development Review Committee and the Planning Commission for
12 recommendation and final approval by the BOCC.
13

14 The Planning Commission and the BOCC shall each hold at least one public hearing on a
15 proposed amendment. The Planning Commission shall review the application, the reports
16 and recommendations of the Department of Planning & Environmental Resources and the
17 Development Review Committee and the testimony given at the public hearing and shall
18 submit its recommendations and findings to the BOCC. The BOCC shall consider the report
19 and recommendation of and the testimony given at the public hearings and may either deny
20 the application or adopt a resolution upon transmitting the proposed amendment to the DCA.
21 Ordinances are then reviewed by the Florida Department of Community Affairs and returned
22 to the County with objections, recommendations and comments to be considered prior to
23 adoption of the ordinance. Then, an adoption hearing is scheduled for the BOCC.
24

25 **III RELEVANT PRIOR COUNTY ACTIONS**

26
27 None.
28

29 **BACKGROUND INFORMATION**

30
31 **A. Size of Site:**

32 RE: # 00538170.000000: 8,240 ft²
33 RI: # 00538180.000000: 6,000 ft²
34 RE: # 00538190.000000: 7,000 ft²
35 **Total Site Size: 21,240 ft²**

36 **B. Tier Designation: Tier III**

37 **C. Flood Zone: X**

38 **D. Existing Use:**

39 RE: # 00538170.000000: Undeveloped
40 RE: # 00538180.000000: Undeveloped
41 RI: # 00538190.000000: Undeveloped

42 **E. Existing Vegetation / Habitat: Cleared with some vegetation**

43 **F. Community Character of Immediate Vicinity: Single-family residential**
44
45
46

1 IV REVIEW OF APPLICATION
2

3 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
4 *County Year 2010 Comprehensive Plan:*
5

6 Goals, Objectives and Policies from the Monroe County Year 2010 Comprehensive Plan
7 that directly pertain to the proposed amendments include:
8

9 • Goals 3.1: Future Land Use
10

11 Goal 101: Monroe County shall manage future growth to enhance the quality of life,
12 ensure the safety of County residents and visitors, and protect valuable natural
13 resources. [9J-5.006(3)a]
14

15 Objective 101.4: Monroe County shall regulate future development and
16 redevelopment to maintain the character of the community and protect the natural
17 resources by providing for the compatible distribution of land uses consistent with the
18 designations shown on the Future Land Use Map.
19 [9J-5.006(3)(b) 3]
20

21 Policy 101.4.3: The principal purpose of the Residential Medium land use
22 category is to recognize those portions of subdivisions that were lawfully
23 established and improved prior to the adoption of this plan and to define improved
24 subdivisions as those lots served by a dedicated and accepted existing roadway,
25 have an approved potable water supply, and have sufficient uplands to
26 accommodate the residential uses. Development on vacant land within this land
27 use category shall be limited to one residential dwelling unit for each such platted
28 lot or parcel which existed at the time of plan adoption. However, Monroe County
29 shall adopt Land Development Regulations which allow nonresidential uses that
30 were listed as a permitted use in the Land Development Regulations that were in
31 effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-
32 2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to
33 develop, redevelop, reestablish and/or substantially improve provided that the
34 uses are limited in intensity, floor area, density and to the type of use that existed
35 on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is
36 more restrictive. Lands within this land use category shall not be further
37 subdivided. [9J-5.006(3)(c) 1 and 7]
38

39 Policy 101.4.5: The principal purpose of the Mixed Use / Commercial (MC) land
40 use category is to provide for the establishment of commercial zoning districts
41 where various types of commercial retail and office may be permitted at
42 intensities which are consistent with the community character and the natural
43 environment. Employee housing and commercial apartments are also permitted.
44

45 Applicant is proposing a PLUM amendment from Residential Medium (RM) to Mixed
46 Use / Commercial (MC). The parcel is scarified and no natural resources will be

1 affected. The MC future land use designation is compatible with surrounding land uses.
2 Staff has determined the proposed FLUM amendment is consistent with the provisions
3 and intent of the Monroe County Year 2010 Comprehensive Plan.
4

5 *B. Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*
6 *the Monroe County Code, Land Development Regulations:*
7

8 In accordance with MCC Sec. 9.5-511(d)(5)h., the BOCC may consider the adoption of
9 an ordinance enacting the proposed change based on one (1) or more of the following
10 factors:
11

- 12 i. *Changed projections (e.g., regarding public service needs) from those on which the*
13 *text or boundary was based:*
14

15 *Applicant:* Since the Monroe County Comprehensive Plan's adoption in 1992
16 (based on the 1980 census data), the comprehensive plan and census data projected
17 an even increase in future population through the entire county. The KLLCP (Key
18 Largo Livable CommuniKeys Plan) addresses the need during this growth period to
19 protect and enhance local community roots, while protecting local environmental
20 resources. This application embodies the conclusions of the KLLCP; it replaces the
21 single family residential (3 lots) adjacent to and fronting the Overseas Highway
22 corridor with viable commercial and mixed class residential along a corridor of
23 existing and prescribed suburban commercial development. The application for a
24 FLUM amendment and re-zoning conforms to all the goals of the KLLCP. The
25 change will allow development that is compatible with the goals of the KLLCP by
26 protecting and enhancing local community life and minimizing the impact on
27 Monroe County's environmental resources.
28

29 The combined lots on Overseas Highway (US-1) will not require any additional
30 access on their frontage. The development will take advantage of two existing
31 access points; i.e. N. Ind Road and Garden Cove Drive, and create an interconnect
32 between them allowing the abandonment of an existing undeveloped alley way to
33 increase proper access traffic flow outside of the Overseas Highway. Even in the
34 comprehensive plan, single family residential lot development was not properly
35 addressed as single families and cars on a corridor road do not mix. It should be
36 noted that within the nearby vicinity of the subject property, no other residential
37 properties exist along the Overseas Highway (US-1) right of way other than Adam's
38 Cut at approximately MM 103/104.
39

40 With the adoption of the KLLCP and the tier system, shifting in the planning
41 philosophies along the Overseas Highway (US-1) corridor in areas of infill and
42 meeting the "neighborhood communities" criteria including the provisions for a
43 "walkable community" reducing area trip generation, this rezoning and FLUM
44 amendment should be positively accepted.
45

1 The County will require all parcels to be combined into one developable lot at the
2 time of site plan approval. This will, combined with the fact that the individual lots
3 themselves are not large enough to support any mixed development, avoid individual
4 lot sell-off and guarantee proper development as envisioned by the KLLCP. It
5 should be noted that, not only will a Florida Department of Transportation (FDOT)
6 curb cut for additional access not be sought from the FDOT, the FDOT will not grant
7 one except under the current single lot configuration.
8

9 *Staff:* The three (3) subject parcels are adjacent to US 1. Currently, the future land
10 use map (FLUM) designation of Residential Medium (RM) allows for one (1)
11 dwelling unit per lot. The proposed Mixed Use / Commercial (MC) FLUM
12 designation is consistent to the adjacent FLUM designation on US 1.
13

14 ii. *Changed assumptions (e.g., regarding demographic trends);*
15

16 *Applicant:* The prescribed use of "mixed use development" per the KLLCP is an
17 effective way of dealing with new growth issues in this part of the Keys vs. that of
18 the Monroe County Comprehensive Plan designating this property as residential
19 medium. Allowing Mixed Use/Commercial (MC) FLUM designation for this
20 property creates a balance of environmental concerns: needs for housing in general,
21 and fills a void for affordable housing. The allowance of this rezoning and FLUM
22 amendment will serve as an enhancement to the surrounding area and the gateway to
23 the Keys.
24

25 *Staff:* Any use allowed for the proposed land use is considered potential
26 development, not only affordable housing. Affordable housing can be built in
27 designated Monroe County land use districts. While there is a need for affordable
28 housing, the data and the information provided by the applicant does not constitute a
29 changed assumption justifying a map amendment.
30

31 iii. *Data errors, including errors in mapping, vegetative types and natural features*
32 *described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*
33

34 *Applicant:* The IS land use designation for the subject parcels that are being proposed
35 for rezoning to SC and FLUM amendment to MC is an obvious example of Key
36 Largo residents' and planning staff concerns that the KLLCP for the area
37 recommends a mixed use that provides workforce housing and a light commercial
38 retail area where local residents can feel comfortable in an aesthetically pleasing
39 environment. The IS designation given to the parcels was probably a part of a
40 "package" designation requested by the developer of Ocean Isle Estates. The nature
41 of the designation and factors leading to the designation are better addressed by
42 Monroe County planning officials who have easy access to records pertaining to the
43 Ocean Isle development.
44

45 A portion of the Ocean Isle Estates subdivision currently includes a commercial
46 fishing village supported by the marina and restaurant currently owned by the

Applicant. The existing IS land use designation supports the Applicant's requested use for the subject property. Often, when broad brush comprehensive plans are quickly established at the behest of the state, pockets of unique development are often caught up by the basic underlying land use and not the specific character of the existing development or proximity to major thoroughfare related issues.

The KLLCP goes into great detail about the deficiencies of the existing FLUM. Under the heading of Goal 1 of the KLLCP, the narrative describes the tendency of the Monroe County Comprehensive Plan to have "down-zoned" many of the properties adjacent to Overseas Highway (US-1). The narrative then goes on to state that through the changed conditions and new information that has been brought forth since the Comprehensive Plan's adoption in 1986, it is now the goal of the County and the Community to restore the commercial use status along this corridor. Certainly, that is what the amendment of the FLUM to MC and rezone to SC would accomplish for the subject property.

Staff: There are no historical errors in mapping, vegetative types and natural features for the three (3) subject parcels.

iv. *New issues:*

Applicant: Over time, since the Buzzard's Roost Marina and Restaurant first opened more than 30 years ago, the majority of the surrounding neighborhood has been built or has become a "fishing village" with the marina at its core. The neighborhood is supported to some extent with commercial development bordering Overseas Highway (US-1), commercial fishing, special district, mixed use commercial and improved subdivision. Through the recommendations in the KLLCP, the proposed FLUM amendment to MC and rezoning to SC enhances the surrounding uses, the adjacent "fishing village" and serves as a light commercial/residential buffer from Overseas Highway (US-1), blending into the other residential uses. With the ability to develop the property as a SC development, retail in support of the existing Village atmosphere could be built. The purpose of the existing IS district is to protect legally vested residential development rights to owners of lots in subdivisions that were established prior to the comprehensive plan. While existing plans at the time of the comprehensive plan development may have justified the IS designation, a closer review of the surrounding area indicates a strong correlation to the Suburban Commercial (SC) districts listed as to establish or conserve areas of commercial/mixed uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. The Applicant believes his request for rezoning to SC and FLUM amendment to MC will hold to this test and will assist with the integration of the overall local neighborhood culture.

Staff: There are no new issues for these three (3) parcels.

v. *Recognition of a need for additional detail or comprehensiveness*

Applicant: The proposed KLLCP to the Monroe County Comprehensive Plan establishes new priorities for detailed review for comprehensiveness regarding local communities in Key Largo. The consensus goals identified in the KLLCP are met by the implementation of the Applicant's re-zoning and FLUM amendment request as illustrated below. It is specifically noted in the KLLCP, Strategy 1.3, action item 1.3.7 (b) that commercial conformance status be preserved within the sections along the Overseas Highway (US-1) corridor. Although it is not a part of this application, it is suggested that Monroe County would pursue a change of zone and FLUM designation for the remaining Ocean Isle lots fronting Overseas Highway (US-1) to achieve a condition that is consistent with the goals of the KLLCP for the remaining lots adjacent to Overseas Highway (US-1). The applicant is currently making an effort to contact the adjacent owners within Ocean Isle estates to gain their support in the rezoning and FLUM amendment for the parcels along the Overseas Highway (US-1) right of way.

Staff: The three (3) parcels have been cleared and scarified. The parcels are south of the US 1 and US 905 split. The FLUM designation for the US 1 corridor is Mixed Use / Commercial (MC).

vi. *Data updates;*

Applicant: None

Staff: None

C. *Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that directly pertain to the proposed development:*

The following is a response by the applicant expanding on ten (10) out of the eleven (11) goals located in the Key Largo Livable CommuniKeys Plan (KLLCP), pertaining to the proposed FLUM amendment.

Land Use and Redevelopment

Consensus Goal 1: Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands

Applicant: The Applicant's property is in an optimal location for rezoning to SC and FLUM amendment to MC in that it affords upscale commercial, keeping with the fishing village appearance of the Keys to create a showcase at the entrance of Key Largo. The SC zone also allows a mix of residential above the commercial predominantly in support of affordable housing related back to the Buzzard's Roost Marina & Restaurant staff housing needs as well as housing needs in general. The proposed rezoning and FLUM amendment also eliminates single family housing units directly abutting a congested area

of the Overseas Highway as well as removing the possibility of any new access points along Overseas Highway (US-1). This is all accomplished without any detriment to any environmentally sensitive lands, and if anything, through proper stormwater treatment facilities, will improve the environmental status quo over single family residential construction on existing platted lots.

Staff: The three (3) parcels are scarified and undeveloped. The land is suitable for development and the proposed amendment will not draw on any environmentally sensitive lands. The proposed FLUM amendment is consistent with the Key Largo Livable CommuniKeys Plan (KLLCP) Land Use Consensus Goal 1.

Community Character

Consensus Goal 2: Preserve and enhance important community qualities within the planning area that define Key Largo's casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.

Applicant: As studied previously, the Applicant believes that the rezoning to SC and FLUM amendment to MC will not only fit into the surrounding existing development but will enhance the "village style" atmosphere as a gateway view into Key Largo. The proposed development will provide an immediate visual enhancement over the existing 3 scarified lots.

Staff: The applicant's property is adjacent to US 1. Staff cannot comment on any proposed development or redevelopment plans as part of this or any map amendment application.

Consensus Goal 3: Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community's unique character.

Applicant: While the proposed development neither enhances historic or archeological resources, it does protect and enhance cultural aspects of the community while maintaining and enhancing the community's unique character; village style construction, i.e. residential over commercial.

Staff: Staff cannot comment on any proposed development or redevelopment plans as part of this or any map amendment application.

Housing

Consensus Goal 4: Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.

Applicant: The client's incentive toward providing some workforce housing units in the project is driven by the needs of his own staff at Buzzard's Roost Restaurant and Garden

Cove Marina, just blocks away from the site. The rezoning to SC and FLUM amendment to MC allows significantly needed workforce housing to be built.

Staff: This application is for a future land use map (FLUM) designation change. Any use allowed for the proposed land use is considered potential development, not only affordable housing. Affordable housing can be built in designated Monroe County land use districts.

Environmental Protection

Consensus Goal 5: Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.

Applicant: Given that the lots have been in their existing scarified state for such a long time, along with the required on-site stormwater treatment the project will provide, the request meets the environmental protection goal of the KLLCP.

Staff: The proposed FLUM amendment will not preserve, manage or restore the natural resources within the planning area.

Economic Development

Consensus Goal 6: Encourage redevelopment and infill development that supports and enhances the tourist based economy of the planning area.

Applicant: The request meets the economic development goal encouraging infill development while enhancing the tourism based economy. This will be accomplished with portions of the commercial business associated back to the Buzzard's Roost Restaurant and Garden Cove Marina, additional island retail and a mix of workforce housing as previously stated.

Staff: The proposed FLUM amendment will encourage infill of undeveloped scarified land. Staff finds this consistent with Consensus Goal 6 of the KLLCP.

Consensus Goal 7: Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.

Applicant: As this goal recognizes the need to support water-dependent and water related commercial uses, the proposed rezoning and FLUM amendment will allow for the development of both support services for the Buzzard's Roost Restaurant and Garden Cove Marina as well as commercial development over the subject properties.

Staff: Goal Seven (?) of the KLLCP states "water-dependent uses include marinas, commercial fishing, boat launching facilities and beaches. Water-related uses include concession stands, bait and tackle shops and fish houses. Hotels and restaurants located

on the water while not water dependent or related as in the traditional definition are economically enhanced by the location on the water and are included in the definition here.” The three (3) subject parcels are not on or near the water. The proposed FLUM amendment is inconsistent with Consensus Goal 7.

Transportation

Consensus Goal 8: Provide residents and visitors of the planning area with a safe and useable transportation system for vehicles, bicycles and pedestrians with opportunities for transit systems where appropriate.

Applicant: Workforce housing located within the subject property would enable residents the ability to walk to work at either the nearby existing commercial/retail developments or the proposed commercial developments that would be feasible with the change to the SC zone and MC FLUM designation. As stated by the KLLCP, developments that promote pedestrian activity are encouraged, and it would be desirable to decrease the need for additional trips, possibly congesting the Overseas Highway (US-1). The approval of the requested SC rezoning and FLUM amendment to MC will require joining of all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

Staff: Staff cannot comment on any proposed redevelopment plans as part of this or any map amendment application.

Recreation

Consensus Goal 9: Provide additional resources for enhancement of existing facilities, expansion of active and passive land-based recreation opportunities and seek to expand public shoreline access for water-based recreational activities for all age groups within the community.

Applicant: The proposed rezoning to SC and FLUM amendment to MC will allow the development of a portion of the project to serve as support for the Buzzard's Roost Restaurant and Garden Cove Marina thereby enhancing areas for water based activities.

Staff: Staff cannot comment on any proposed redevelopment plans as part of this or any map amendment application.

Community Facilities

Consensus Goal 10: Provide adequate public facilities to serve the existing and future needs of the planning area.

Applicant: Public facilities are adequate to support the rezoning to SC as well as the FLUM amendment to MC that have been requested. The Applicant has satisfied the

consensus goals identified in the KLLCP. Approval of the FLUM amendment to MC and rezoning to SC will only net a positive effect on the upper Key Largo area.

Staff: Monroe County's Public Facilities Capacity Assessment Report indicates there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan. Staff finds Consensus Goal 10 of the KLLCP consistent with the proposed FLUM amendment.

D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern*

- (a) To establish a land use management system that protects the natural environment of the Florida Keys.

The proposed FLUM amendment will not affect the natural environment. Staff finds the proposed FLUM amendment consistent.

- (b) To establish a land use management system that conserves and promotes the community character of the Florida Keys.

The proposed FLUM amendment is compatible with community character. Staff finds the proposed FLUM amendment consistent.

- (c) To establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services.

The proposed FLUM amendment affects only the three (3) subject's parcels which are scarified and undeveloped. Staff finds the proposed FLUM amendment consistent.

- (d) To provide for affordable housing in close proximity to places of employment in the Florida Keys.

Unknown.

- (e) To establish a land use management system that promotes and supports a diverse and sound economic base.

The proposed FLUM amendment of Mixed Use - Commercial (MC) supports a variety of uses and densities and intensities. Staff finds the proposed FLUM amendment consistent.

- (f) To protect the constitutional rights of property owners to own, use, and dispose of their real property.

The proposed FLUM amendment is the applicant's choice. Staff finds the proposed FLUM amendment consistent.

- (g) To promote coordination and efficiency among governmental agencies with permitting jurisdiction over land use activities in the Florida Keys.

Staff finds the proposed FLUM amendment consistent.

E. *Impact on Community Character:*

Staff: MCC § 9.5-511 maintains that amendments may not permit an adverse change in community character. The character of the immediate vicinity includes open space, mixed use and residential. The applicant's parcels are located at MM 106. It is located on US 1 at the split just before US 1 and US 905 on the ocean side. A convenient store is located at this split; other miscellaneous low to medium intensity retail stores are in the surrounding area. Single-family residences are located along North End and Garden Cove Road; Most of the U. S. 1 parcels in this area are vacant and overgrown. This future land use map (FLUM) designation amendment may not constitute a change in community character.

Local Use Compatibility

The three (3) subject parcels are located adjacent to U.S 1 and SR 905 at the split. The US 1 corridor is Mixed Use / Commercial (MC), Institutional (INS), Conservation Recreation (CR), Conservation (C), Residential Low (RL), Residential High (RH). The proposed future land use map (FLUM) designation is compatible with the local use.

Density and Intensity

The three applicant's properties are 27,240 ft² (.482 acres) in size.

The Residential Medium (RM) future land use map (FLUM) designation allows for one (1) dwelling unit per lot and maximum net density is not allowed. In the Mixed Use / Commercial (MC) land use district, up to six (6) dwelling units and fifteen (15) rooms/spaces per acre, are permitted. Eighteen (18) dwelling units and up to twenty-five (25) rooms/spaces per buildable acre are allowed for maximum net density. The maximum floor area ratio is between 10% and 40%.

Local Traffic and Parking

Local roads are already in place and have been well maintained. The proposed FLUM amendment may affect local traffic and parking, but not significantly.

1 *Effects on Natural Resources*

2
3 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct
4 future growth to lands which are intrinsically most suitable for development and shall
5 encourage conservation and protection of environmentally sensitive lands. Future
6 development would be required to comply with all Monroe County Code, State and
7 Federal environmental regulations.

8
9 Because the subject property consists of cleared undeveloped lots, no additional clearing
10 is anticipated for the proposed development. Effects on natural resources are not
11 anticipated.

12
13 *Effects on Public Facilities*

14
15 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
16 County to direct future growth away from environmentally sensitive land and towards
17 established development areas served by existing public facilities. The proposed FLUM
18 amendment will not affect Objective 101.11 and will encourage commercial development
19 to remain on disturbed lands rather than encroaching on environmentally sensitive area.

20
21 *Traffic Circulation*

22
23 Overseas Highway or US 1 is required to maintain a level of service (LOS) of "C" in
24 order to support additional development. The 2007 US 1 Arterial Travel Time and Delay
25 Study for Monroe County indicates a LOS of "A" from Atlantic Boulevard to C-905
26 (MM 99.5 to MM 106).

27
28 *Solid Waste*

29
30 Monroe County has a solid waste haul out contract with Waste Management Inc., which
31 authorizes the use of in-state facilities through September 20, 2016, thereby providing the
32 County with approximately eight (8) years of guaranteed capacity. The proposed future
33 land use map (FLUM) amendment may affect solid waste, but not significantly.

34
35 *Potable Water*

36
37 In 2002, South Florida Water Management District approved an increase in Florida Keys
38 Aqueduct Authority's Water Use Permit. Monroe County's Public Facilities Capacity
39 Assessment Report indicates there are over 100 gallons of water available per person per
40 day. The 100 gallons per person per day standard is commonly accepted as appropriate
41 and is reflected in Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan.

42
43 *Stormwater*

44
45 Staff feels stormwater runoff will result from this future land use map (FLUM)
46 amendment. The applicant's properties, although in Tier III, are scarified but have not

been developed. MCC Section 9.5-293 requires that all developments retain stormwater on site following Best Management Practices (BMP's).

Effects on Redevelopment/Infill Potential.

The site is scarified undeveloped. Staff feels there will be a negative impact on redevelopment / infill potentials. Currently, the Buzzard's Roost sign stands on the subject parcels.

V FINDINGS OF FACT

1. Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan*, directs future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The applicant's parcels are already cleared.
2. Objective 101.4.3 of the *Monroe County Year 2010 Comprehensive Plan*, states the principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one dwelling unit per lot.
3. Objective 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states the principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.
4. MCC Section 9.5-511 prohibits any map amendments that would negatively impact community character. There may not be a negative impact when changing the land use districts of the parcels from Residential Medium (RM) to Mixed Use / Commercial (MC). The proposed FLUM amendment may not affect community character.
5. MCC Sec. 9.5-511(a) maintains that map amendments are not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in *Monroe County Year 2010 Comprehensive Plan*, Objective 101.4, but only to make necessary adjustments in light of changed conditions. Changing the land use districts of the parcels from Residential Medium (RM) to Mixed Use / Commercial (MC) may not constitute a change in community character.
6. Pursuant to MCC Sec. 9.5-511(d)(5)b, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on

1 which the text or boundary was based; (ii) Changed assumptions (e.g., regarding
2 demographic trends); (iii) Data errors, including errors in mapping, vegetative types and
3 natural features described in volume 1 of the plan; (iv) New issues; (v) Recognition of a
4 need for additional detail or comprehensiveness; or (vi) Data updates.

- 5
6 7. The Key Largo Community Master Plan Consensus Goal 1 directs future growth to lands
7 that are most suitable for development and encourage preservation of environmentally
8 sensitive lands. The proposed FLUM amendment is consistent with Goal 1.
9
10 8. The Key Largo Community Master Plan Consensus Goal 6 encourages redevelopment
11 and infill development that supports and enhances the tourism-based economy of the
12 planning area. The proposed FLUM amendment is consistent with Goal 6.
13
14 9. The Key Largo Community Master Plan Consensus Goal 10 provides adequate public
15 facilities to serve the existing and future needs of the planning area. The proposed
16 FLUM amendment is consistent with Goal 10.
17

18 VI CONCLUSIONS OF LAW

19

- 20 1. The proposed map amendments are consistent with the provisions and intent of the
21 *Monroe County Year 2010 Comprehensive Plan*.
22
23 a. Objective 101.4 of the *Monroe County Year 2010 Comprehensive Plan* shall regulate
24 future development and redevelopment to maintain the character of the community
25 and protect the natural resources by providing for the comparable distribution of land
26 uses consistent with the designations shown on the Future Land Use Map.
27
28 b. Policy 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states the
29 principal purpose of the Mixed Use / Commercial land use district is to provide for
30 the establishment of commercial zoning districts where various types of commercial
31 retail and office may be permitted at intensities which are consistent with the
32 community character and the natural environment. Employee housing and
33 commercial apartments are also permitted.
34
35 2. The proposed map amendments are consistent with the provisions and intent of Chapter
36 9.5 of the Monroe County Code.
37
38 a. MCC Section 9.5-511 prohibits any map amendments that would negatively impact
39 community character.
40
41 b. MCC Sec. 9.5-511(a) maintains that map amendments are not intended to relieve
42 particular hardships, nor to confer special privileges or rights on any person, nor to
43 permit a change in community character, as analyzed in *Monroe County Year 2010*
44 *Comprehensive Plan*, but only to make necessary adjustments in light of changed
45 conditions.
46

- 1 c. The proposed amendment does meet the criteria set forth in MCC Section 9.5-511(b)
2 in no event shall an amendment be approved which will result in an adverse
3 community change of the planning area in which the proposed development is
4 located.
5
- 6 3. The proposed map amendment meets one (1) of the factors set forth in MCC Sec. 9.5-
7 511(d)(5)b (i) changed projections and (v) Recognition of a need for additional detail or
8 comprehensiveness.
9
- 10 4. The proposed map amendment is consistent with the Key Largo Community Master Plan
11 Consensus Goals 1: Direct future growth to lands that are most suitable for
12 development and encourage preservation of environmentally sensitive lands; Goal 6:
13 Encourage redevelopment and infill development that supports and enhances the tourists-
14 bases economy of the planning area and Goal 10: Provide adequate public facilities to
15 serve the existing and future needs of the planning area.
16
- 17 5. The proposed map amendments are consistent with the Principles for Guiding
18 Development in the Florida Keys Area of Critical State Concern.
19